

**CITY OF NORWALK
THIRD TAXING DISTRICT
AUGUST 18, 2003**

ATTENDANCE: David L. Brown, Chairman; Stephen Feinstein; Paul S. Coggin.

STAFF: George Leary, District General Manager; Ron Scofield, District Office Manager; Larry Dennin, Esq., District Counsel.

OTHERS: Stephen J. Orris, Chairman Steering Committee; Diane Cece, Steering Committee (arrived at 7:10 p.m.); Bill Solder (arrived at 8:20 p.m.), Steering Committee; Brian Meek (departed at 8:05 p.m.).

Chairman Brown called the meeting to order at 7:04 p.m. and said that due to the extensive number of items on tonight's agenda, he would adjourn the Public Meeting at approximately 9:00 p.m. Whatever items were not discussed to that point would be adjourned to a meeting at a future date, and the members would go into Executive Session for discussion of the appropriate items.

PUBLIC COMMENT

Chairman Brown said that Norwalk recently lost one of its servicemen, Pfc. Wilfredo Perez, Jr. in military duty while serving his country, and since this was the first meeting of the TTD since that happened, it would be appropriate that a message prepared in his honor be read into the record. A memorial service would be held for Pfc. Perez on Wednesday evening at 7:00 p.m. in the parking lot of St. Thomas Church, and Chairman Brown asked that Messrs. Coggin and Feinstein join him there.

Mr. Leary read the message as follows:

“The Third Taxing District Commission and the General Manager and employees of the Electric Department wish to extend their heartfelt condolences on the loss of your son, Pfc. Wilfredo Perez, Jr.

We feel that his passing is not just yours alone, but the loss of every citizen of East Norwalk and the country. May the memory of his ultimate sacrifice in defense of the cause of freedom throughout the world endure as a testament to his dedication to his country, loves ones, and friends.

We hope the Perez family will find some peace and understanding in their son’s passing with the knowledge that East Norwalk and the entire City shares in your grieving. His bravery should be celebrated while his loss is mourned.”

Chairman Brown asked if there was any other public comment. Ms. Cece said that she was not prepared to make any comments. Mr. Feinstein wished Chairman Brown a speedy recovery after his recent and successful surgery.

APPROVAL OF MINUTES

Minutes of June 5, 2003

**** MR. FEINSTEIN MOVED TO ACCEPT THE MINUTES FROM JUNE 5, 2003.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

Mr. Coggin thought that perhaps approval of the minutes for the three meetings should be tabled. He said that they did not contain sufficient information from some of the discussions which took place at the last meeting, and meetings before that. Specifically, there were final statements made regarding formation of the steering committee, its task and who was on it that were not even included. Additionally, it seemed that updates from previous minutes were not included and those that were, did not accurately convey what was said.

**** MR. FEINSTEIN MOVED TO WITHDRAW HIS PREVIOUS MOTION TO ACCEPT AND FURTHER MOVED TO TABLE APPROVAL OF THE MINUTES OF JUNE 5, 2003.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

Mr. Feinstein asked when the meeting with Telesco Services would be held. Chairman Brown said that it was postponed to August 19 at 2:30 p.m. After a brief discussion, the Commissioners agreed that the minutes should be approved after the meeting with Telesco Services.

**** MR. FEINSTEIN MOVED TO AMEND HIS PREVIOUS MOTION TO INCLUDE THAT APPROVAL OF THE MINUTES OF JUNE 23, 2003 WOULD ALSO BE TABLED.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Minutes of June 23, 2003

This item was discussed as above.

Minutes of July 1, 2003

**** MR. COGGIN MOVED TO APPROVE THE MINUTES OF JULY 1, 2003 AS SUBMITTED BY THE DISTRICT OFFICE MANAGER, MR. SCOFIELD.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

STEERING COMMITTEE REPORT ON LIBRARY

Mr. Orris provided the Commissioners with a summary sheet of the motions made from the last meeting of the Steering Committee held on July 22. He said that the minutes were not yet approved since the Committee has not had a meeting since, but in his opinion those received from Telesco Services did not have the clarity needed for a complete understanding. It was his intent to have the Commissioners review the summary sheet and comment accordingly.

Mr. Coggin asked if it was the Steering Committee's opinion that the proposed \$1.8 million library renovation project should not go forward because it was not feasible. Mr. Orris said that after lengthy discussion, the Steering Committee came to that conclusion.

He referred to the detailed “draft” sheet of tasks which the Steering Committee was responsible for which he said he was not aware of until shortly before the June meeting which he was not present at due to his own surgery. He said that when he distributed the task list at the July meeting, most of the committee members were not aware of what their full charge would be and were amazed. Only Mr. Santella and Ms. Cuttner knew the document existed. Mr. Orris said that when he volunteered to chair the committee he had no idea how involved the responsibility would be. He understood that the Committee was being asked to review and evaluate the expansion proposal presented to them and re-address the TTD with recommendations. That being said, he also stated that he did not view the Steering Committee’s tenure over and that they were ready to resume some function that would be determined by direction from the Commissioners. He said that when the contents of ENIA’s July letter became known, the Steering Committee felt there was no purpose in going forward with their evaluation. He said that they were not opposed to the project but based on research made the determination that it was not feasible because of the historical nature of the building, the cost involved that taxpayers did not want to support, and the fact that other libraries in Norwalk were ADA improved.

Chairman Brown asked if the summary sheet of motions from the Steering Committee’s July meeting should be used as the basis for the TTD commissioners to provide the direction that the Committee is asking for. Mr. Orris said that it was, and reiterated that the Committee was still fully operational and that a joint meeting would be very helpful. He suggested that the TTD have the facts presented by the Steering Committee legally investigated to solidify them. He said that a member from his committee offered a legal opinion but it was not firm and was not in writing.

Chairman Brown said that he has had discussions with an ADA consultant and also received a legal opinion but very much wants input from the Steering Committee. Mr. Orris said that the Committee is at a standstill, and felt strongly that the “ball is in the court of the commissioners.” Mr. Coggin said that the draft which formed the basis of the steering charter stemmed from the reserve set aside in 2002 and was directed by the electors, not the commissioners.

Mr. Feinstein talked about the March 2002 memo of understanding. Mr. Coggin said that it served as the basis for the draft and from it, the Steering Committee was formed. He had difficulty understanding that the Committee had been operational for 16 months and just recently learned of the draft. Chairman Brown asked if the Steering Committee felt it failed because its charge was not understood by its members. Mr. Orris said the

Committee did not feel as though it failed but certainly would have asked for clarification some time ago had they known about their list of responsibilities. He responded to Mr. Coggin's question that the Committee did not complete most of what was on the draft list. He responded to Mr. Feinstein's question that the Committee did look at other alternatives but were told by a reputable individual that there were none. They were told that it would not be possible to put a ramp around the building and the cost to install an elevator would be well over \$1 million.

Mr. Orris said that during a recent vacation to New Mexico he and his wife had an opportunity to visit a state-of-the art library. He wondered how a town much smaller than Norwalk, with far fewer resources, had accomplished such a feat and felt strongly that Norwalk should be able to do the same. With a renewed enthusiasm on his return from vacation, Mr. Orris said that he searched for properties where an entirely new library facility could be built as an alternate to improving the facility on Van Zant. He wondered why the piece of land on Strawberry Hill, or the former Howard Johnson site, or the Mason's Lodge or the parcel where the bank sits couldn't be utilized. It was his opinion that it would not be necessary to tap the treasury. In the final analysis, the Van Zant building should be left as it is.

Mr. Orris referred to the July letter from Mr. Campbell of the East Norwalk Improvement Association and said that since the ENIA was the applicant for the grant they should be the ones who take responsibility. He did not feel that responsibility should lie solely with the TTD. He suggested that the TTD respond to the ENIA's letter that prior to the end of 2003 they must sign a contract with the State, ask for an extension, or withdraw their application for the grant.

Mr. Feinstein did not agree with Mr. Orris, and said that the 2002 Annual Meeting a Memorandum of Understanding was passed by the electors taking responsibility for the project away from the ENIA and giving it to the Steering Committee. He suggested that Mr. Orris and the Committee members revisit the Memo of Understanding.

Mr. Coggin said that it was apparent that the TTD needed to respond to Mr. Orris' report and make it an agenda item for further discussion, either at tonight's meeting or at a future meeting, but at minimum within a month. Mr. Orris said that if the TTD wanted the Steering Committee to correspond with the State they would, but reminded them that the contract would ultimately be between the ENIA and the State of Connecticut. Mr. Coggin wondered if all the members of the Steering Committee were up to the task, now

that they fully understood their charge. Mr. Orris said that he believed they were and would schedule a meeting for Tuesday to further discuss the issue. Chairman Brown said asked that Mr. Orris provide a status update to the TTD after their meeting with the library board in Hartford. He said that many people have given a good effort to this point, even if the scope has not been followed. He said that he wants to see if there are other ways to make the situation work, whether it is prudent to submit a grant application or incorporate the Van Zant Street library into the State's library system. He suggested that Attorney Dennin review all findings from a legal perspective and in the interim, the Steering Committee would continue its research, gathering information from ADA consultants, etc., and re-address the TTD within a month. He said that a statement should be prepared and given to the ENIA regarding how the Commission and the Steering Committee views the project and where it might proceed to.

Mr. Feinstein asked that going forward, the Steering Committee provide a more comprehensive report with input from the ENIA.

Mr. Coggin thanked Mr. Orris for his report on the Steering Committee.

PROJECT TO INCREASE CAPACITY FOR POWER FROM CL&P

Inner Duct Bids

Mr. Leary briefly described how the situation became problematic and why this issue was on the agenda for discussion. He said that the original conduit pipes installed under the railroad bridge were constructed of a perforated material which would allow water to run through and away from manholes. In actuality, the reverse situation has occurred; water is running into the perforated material and into the manholes. When the new electric cabling is installed, the proposal is to line the conduits with an inner duct made of flexible plastic. Proposals have been received from three bidders, the lowest being Zucco Company who would charge approximately \$3,300. Their product could be three inches in diameter but shorter in length than what the two other bidders proposed. Mr. Leary said that the Department's engineer has recommended awarding the bid to Dura-Line even though their price is higher. The reason for this choice is because Dura-Line's product is four inches in diameter as opposed to three inches; however, the product must be purchased at a minimum length which is twice as long as the product sold by Zucco.

Mr. Leary said that a benefit to this would mean that twice as many ducts could be done at the same time.

The Commissioners discussed the benefit of choosing the higher bidder so that six ducts could be worked on rather than doing three now and the others at a later time. Mr. Coggin asked if labor was included in the installation bid. Mr. Leary said that it was not, and if Dura-Line was chosen, labor costs would be higher since more duct work would be involved. An outside contractor would do the work and the bid would be changed to reflect that six ducts would be done rather than three originally proposed. Mr. Coggin felt that the need for inner ducts should have been made known at the time of the design phase, but added that the cost for doing an additional three was only incremental since \$5,000 was budgeted for the project. Mr. Feinstein reminded everyone that it was the engineer's budget, not the TTD's budget that was set at \$5,000. Mr. Leary said that the project could proceed as originally set forth but if only three ducts were done now, water would continue to run into the other three manholes. Chairman Brown asked Mr. Leary to obtain a complete bid that would include work for all six ducts. Mr. Coggin said that he felt comfortable about awarding the bid to Dura-Line, and felt doing the extra work was well worth the added cost. Chairman Brown said that he concurred with Mr. Feinstein – doing all six seemed to be utopia but there was no income to support an expanded project.

**** MR. COGGIN MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER AND OFFICE MANAGER TO PURCHASE FOUR INCH INNER DUCT FROM DURA-LINE AT A COST OF \$6,609.**

**** MR. BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION (MR. FEINSTEIN).**

Cable Installation Bids

Mr. Leary said that as part of the electrical cabling project, five bids were received for installation of the cable. He said that the bulk of the cost is for labor rather than materials, and the engineer has recommended awarding the contract to D & M Electrical Contracting, whose bid came in lowest. He said that references on D & M have been checked and are good; they will have no difficulty obtaining a performance bond. The cabling work will begin after mid-September. Mr. Coggin asked if the budgeted amount

of \$55,000 would be sufficient to cover doing all six ducts. Mr. Leary thought that it would, but added that it would be prudent to add a contingency amount since it could not be known what would be found once field work began. Mr. Coggin said that he felt comfortable using D & M and setting a cap amount of \$55,000 for all six ducts. Mr. Feinstein said that he did not feel comfortable with D & M, even after hearing the rationale and asked where the money would come from. Mr. Leary said that funds would be drawn from the operating fund.

Chairman Brown said that he was sympathetic to the way Mr. Feinstein felt regarding other projects where Mr. Christino ran 65% over budget. He said that Mr. Christino is well respected in the trade and that he the TTD should honor his point of view. He asked that Mr. Leary watch the situation closely. Mr. Coggin thought that since a contingency would be required for change orders that two motions for approval would be necessary.

**** MR. COGGIN MOVED TO SUSPEND THE RULES TO ADD AN AGENDA ITEM FOR APPROVAL OF A CONTINGENCY.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION (MR. FEINSTEIN).**

Mr. Feinstein said that he voted in opposition because he felt strongly against adding agenda items for action.

**** MR. COGGIN MOVED TO ACCEPT THE RECOMMENDATION OF THE GENERAL MANAGER TO AWARD THE CONTRACT FOR CABLE INSTALLATION TO D & M ELECTRICAL CONTRACTING, INC. AT A PRICE CAP OF \$55,000.**

**** MR. BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. FEINSTEIN).**

Cable Installation Bid Contingency

**** MR. COGGIN MOVED TO APPROVE AN EXPENDITURE IN AN AMOUNT UP TO BUT NOT TO EXCEED \$5,000 AS A CONTINGENCY TO DEAL WITH ANY REASONABLE AND NECESSARY CHANGE ORDERS FOR THE CABLE INSTALLATION PROJECT.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE VOTE IN OPPOSITION (MR. FEINSTEIN).**

Carpet Bids

Mr. Leary said that the Department recommended awarding the bid to Wilton Floor Covering. They originally bid \$6,700 but then realized that a double gluing process (which is the process that other bidders used) would cost an additional \$1,300, bringing the total to \$8,000. He said that there is a section of flooring that need to be repaired before the carpet can be installed and it is not known how much this will cost. The carpet would need to be torn up to get a better assessment of the damage; none of the bidders agreed to do that. Mr. Scofield said that some of the carpet would be placed over concrete and some over tiles.

Mr. Coggin said that the discussion and subsequent motion on this item used in Mr. Leary's August 5 memorandum to the Commission where taken as an excerpt from the June 23rd meeting minutes which were not yet finalized. They should, therefore, be considered only in draft format.

Chairman Brown said that felt uncomfortable awarding the bid to anyone without knowing all the details. He agreed that the project needed to be done as soon as possible and said it was embarrassing when customers came in.

Mr. Feinstein thought the contract should be awarded to Solano because of the last mishap with Angione which caused him to lose credibility. Chairman Brown asked Messrs. Leary and Scofield whom they were more impressed with to which Mr. Scofield responded that he was equally impressed by all three bidders. He felt the misunderstanding with Wilton Floor Covering was an honest one. Mr. Scofield said that an employee, whose name would remain anonymous, recommended against Solano, the second highest bidder because he was not satisfied with the work they did for him. Mr. Coggin said that he concurred with Mr. Feinstein.

**** MR. FEINSTEIN MOVED TO RESCIND THE CONTRACT PREVIOUSLY AWARDED TO WILTON FLOOR COVERING AND AWARD THE CONTRACT FOR FLOOR COVERING AND INSTALLATION TO SOLANO FOR THE SUM OF \$8,523.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Leary asked how the TTD wanted to handle the underlayment which would be needed to fix the damaged floor. Chairman Brown said that it would be wise to agree to a 10% carpentry contingency. If that amount is exceeded the Commission would revisit the issue.

**** MR. FEINSTEIN MOVED TO AMEND HIS PREVIOUS MOTION TO INCLUDE THAT A SUM NOT TO EXCEED \$800 BE ADDED TO THE CONTRACT AWARDED TO WILTON FLOOR COVERING.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

LEASE OF VEHICLE FOR GENERAL MANAGER

Mr. Leary said that he currently receives a \$450 car allowance for his own vehicle each month from the TTD. Due to the high mileage on the Subaru, he was requesting that the Commission approve a lease on a Ford Explorer XLT. Mr. Leary said that he obtained quotes from four dealerships geographically located between Stratford and Stamford, and the most reasonable quote was from Keating Ford in Stratford. He said the vehicle was on the lot and could be gone by the time he goes back.

The Commissioners discussed the financial impact of the leased vehicle for Mr. Leary. Mr. Feinstein said that when the option was initially presented to Mr. Leary he opted for a monthly car allowance rather than a leased vehicle.

**** MR. COGGIN MOVED TO APPROVE MR. LEARY'S REQUEST TO LEASE A FORD EXPLORER XLT FROM KEATING FORD FOR A TERM OF 39 MONTHS WITH A DOWN-PAYMENT OF \$721 AND MONTHLY PAYMENTS OF \$380, SUCH LEASE NOT TO EXCEED ANNUAL MILEAGE OF 15,000 MILES.**

Mr. Feinstein performed an additional calculation and realized that the Commission would be saving money by continuing with Mr. Leary's \$450 monthly allowance, especially in light of the additional cost for insurance on the leased vehicle. Chairman Brown said that other than the cost savings he didn't agree with

Mr. Feinstein. He thought that opting for the lease is a better idea. He said that the cost is almost net, net and the TTD ends up with a newer vehicle looking forward a few years down the road.

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. FEINSTEIN).**

TRUST AGREEMENT (CMEEC)

Chairman Brown said that he was completely in favor of the Trust Agreement which Attorney Dennin had already reviewed. Mr. Leary said that East Norwalk has funds on deposit with CMEEC, and the money is commingled with that of other electrical member systems. The Agreement would provide that the funds are no longer commingled, meaning they are protected if by chance creditors were to go after CMEEC. While this is highly unlikely, Mr. Leary said it could happen. Additionally, Norwalk would assume greater control over how its own funds are invested. At the same time, CMEEC's credit rating would improve. Mr. Feinstein said that there is a blank line for the name of the trustee in the Agreement; Mr. Leary said that CMEEC is currently getting proposals for choice of a trustee. The Commission would vote on whomever CMEEC chose. He said he believed that all the member systems would be in favor of this Agreement. Attorney Dennin said that East Norwalk is the second smallest electrical department among all the others and many of the larger ones are very interested as well. He recommended that the TTD adopt both Resolutions. Chairman Brown said that approximately \$5.5 million is trusted for East Norwalk.

**** MR. FEINSTEIN MOVED TO ADOPT THE RESOLUTION OF THE THIRD TAXING DISTRICT COMMISSION APPROVING PARTICIPATION IN THE MUNICIPAL COMPETITIVE TRUST AGREEMENT.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. FEINSTEIN MOVED TO MOVED TO ADOPT THE RESOLUTION OF THE THIRD TAXING DISTRICT COMMISSION FOR WITHDRAWALS FROM THE ECONOMIC DEVELOPMENT FUND.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

REDUCE CUSTOMER DEPOSIT INTEREST RATE

Mr. Leary said that the Electric department is currently paying an interest rate of \$% on customer deposits. The administrative cost to maintain the deposit account costs approximately \$4,500. Since there is no legal or regulatory requirement to pay any amount of interest, a recommendation is being made to discontinue the practice of paying interest on customer deposit balances.

Chairman Brown said that a credit report is run on new customers and the decision of whether or not the report is a good one is arbitrary. Mr. Scofield said that it isn't arbitrary and accordingly, a customer is required to provide a deposit to insure they are financially reputable. If a customer is denied because he is not in good standing, he is notified of the facts in the credit report and given an opportunity to repair his damaged credit. He asked if anyone from the public was aware of the Department's deposit policy. Ms. Cece said that she was aware but did not know the particulars. Mr. Leary said that it could be viewed on the website.

Mr. Feinstein said according to Subsection 16-262(j) and Section C of the policy, paying interest in his opinion was mandatory. Perhaps 4% was not appropriate, but taking a person's money and not paying interest on it was probably illegal and definitely not proper. Attorney Dennin said that he did not completely review the policy.

**** CHAIRMAN BROWN MOVED TO TABLE THIS ITEM UNTIL LEGAL COUNSEL HAD AN OPPORTUNITY TO REVIEW IT.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** CHAIRMAN BROWN MOVED TO DEFER DISCUSSION OF AGENDA ITEMS 14 THROUGH 23 TO MONDAY, AUGUST 25, 2003 AT 7:00 P.M.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** CHAIRMAN BROWN MOVED THE COMMISSIONERS INTO EXECUTIVE SESSION FOR DISCUSSION OF AGENDA ITEMS 11**

THROUGH 13.

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The Commissioners entered Executive Session at 9:15 p.m.

Respectfully submitted,

Carol A. Wiggins for
Telesco Secretarial Services